

FREDERICK COUNTY BOARD OF ELECTIONS

The Bourne Building
355 Montevue Lane, Suite 101
Frederick, MD 21702
Telephone: 301-600-8683 FAX: 301-600-2344

MINUTES of the December 7, 2016 Monthly Meeting of The Frederick County Board of Elections

The meeting was called to order at 12:30PM, in Room 108 of the Bourne Building at 355 Montevue Lane by the Board President, Ms. Mary Lou Green.

PRESENT:

Mary Lou Green, President
Mark P. Jeffers, Jr., Vice President
Lawrence C. Hill, Secretary
Carlotta C. Joyner, Board Member
William L. Woodcock, Board Member
Daniel B. Loftus, Board Attorney

Stuart Harvey, Election Director
Noreen L. Schultz, Deputy Director
Marc R. Welch, Election Administrative Assistant
Jodye Roebuck, Election Clerk

GUESTS:

Phyllis Hane, Legislative Aide, and Saundra Nichols, City Attorney, City of Frederick.

ADDITIONS / CHANGES TO AGENDA:

Mr. Harvey added a new business item regarding Democratic Central Committee's candidates' workshop.

APPROVAL OF MINUTES FOR SEPTEMBER 7, 2016 AND OCTOBER 21, 2016 BOARD MEETINGS:

Mr. Woodcock moved to accept minutes from September and October board meetings. Mr. Jeffers seconded the motion. After brief discussion, the motion passed unanimously.

COUNCIL LIAISON COMMENTS:

Council liaison did not attend the meeting.

BOARD OF CANVASSERS - POST-ELECTION CANVASS:

Mr. Woodcock moved to open the canvass to review "too late" ballots that arrived after the November 18, 2016 deadline. Mr. Jeffers seconded the motion, and it passed unanimously.

Ms. Varner presented 23 "too late" ballots for consideration. Mr. Jeffers moved to reject these ballots. Mr. Hill seconded the motion and it passed unanimously.

Mr. Jeffers moved to adjourn the Board of Canvassers. Mr. Woodcock seconded the motion, and it passed unanimously.

(Ms. Varner exited the meeting.)

ELECTION DIRECTOR'S REPORT:

Mr. Harvey reported that the State Board of Elections has certified the November 8, 2016 General Election results, and reopened the voter registration rolls. Staff has begun processing the backlog of new voter registrations, as well as any other voter registration updates and changes which were pending while the rolls were closed.

Ms. Green asked about the post-election wrap-up meeting with Election Directors and Deputies. Mr. Harvey stated he was waiting to hear more on scheduling from the State Board of Elections.

OLD BUSINESS

FY17 BUDGET UPDATE:

Mr. Harvey reviewed updated items on the FY17 budget. He stated we've used \$117,000 of the \$170,000 allocated for election judge wages during the election cycle, but that this amount does not include judges who are paid via the County payroll system. The budget figures will be updated for the January meeting, and should reflect the additional amounts paid. Mr. Harvey reported that the budget for overtime for State employees was \$15,000 but \$26,000 was used during the General Election.

Mr. Jeffers asked about equipment expenses from the State Board in this budget update. Mr. Harvey reported that these expenses are billed and paid quarterly, so those amounts will be updated in January.

Mr. Hill asked why meal expenses during the canvasses were not shown in the December update. Mr. Harvey explained that since most of these meals were not billed during November, they would begin appearing in January's budget update.

CITY OF FREDERICK 2017 ELECTIONS:

Mr. Harvey informed the Board that the City of Frederick is again asking for the assistance of our office in helping to conduct the City's 2017 municipal elections. The City of Frederick Primary Election will be on September 12, 2017 and the General Election will be on November 7, 2017. He also explained, pending the city's Board of Alderman approval, that there will be a weekend of Early Voting prior to each election.

Mr. Harvey said that due to the terms of the State Board of Election's lease agreement with Election Systems and Software, we won't charge the City for usage of the voting system equipment (DS200 precinct scanners, ExpressVote BMD, and ElectionWare software). Since we own the Electronic Pollbooks, there will be a rental fee for those, along with fees for database preparation, precinct registers, and other services to prepare and support the election.

Mr. Harvey recapped the December 6, 2016 meeting with Phyllis Hane and Saundra Nichols, which covered other expenses including LBE/SBE support, staff overtime, election judge training, and other related involvement.

Mr. Harvey said that unlike previous years, staff would have a more involved role in the City of Frederick elections.

Mr. Woodcock asked if the fees collected from the City would also cover mileage, supplies, etc. Mr. Harvey said these items would be covered in the MOU which he will draft, and will be presented to the Board for their approval.

Mr. Jeffers asked if we would be retaining our temporary staff in order to maintain staffing levels to prepare for the City election. Mr. Harvey said he felt that the current temporary staff would be sufficient, but that if more were needed, the City would take care of hiring any additional temporary help.

Ms. Joyner asked if the Board members would have any involvement in the City Election. Mr. Harvey said beyond approving the MOU, there would be no direct involvement because the City has its own Board of Supervisors of Elections.

Mr. Hill asked if we would be providing polling place maps, or maps of the City voting districts. Mr. Harvey said that the City has its own GIS department that would handle creating maps for their election.

Mr. Harvey advised Ms. Hane and Ms. Nichols that any City employees that would be handling any of the voting system equipment (Electronic Pollbooks, DS200 precinct scanners, ExpressVote BMDs, ElectionWare software, etc.) would need to be fingerprinted and undergo a background check.

Mr. Harvey reported that the draft Memorandum of Understanding is still pending while he is waiting for guidance from State Board and that he was seeking the board's tentative approval to proceed pending the completion of the MOU.

Mr. Woodcock moved to tentatively approve the pending MOU. Mr. Hill seconded the motion and it passed unanimously.

(Ms. Hane and Ms. Nichols exited the meeting.)

BRUNSWICK SPECIAL ELECTION:

Mr. Harvey reported that the City of Brunswick Special Election had 109 voters turn out. There were no reported issues. There were no provisional voters. He said the City of Brunswick may opt to change the Charter to avoid a special election when the candidate is unopposed. Mr. Hill asked what, if any, county voting equipment was used. Mr. Harvey said the City of Brunswick uses a brass and glass ballot box, with paper ballots.

NEW BUSINESS

2016 GENERAL ELECTION REVIEW:

Mr. Woodcock commented on the success and efficiency of the election. He said there was concern about election judges in some polling places taking ballots from voters and inserting them into the scanner. He felt there may need to be more emphasis on how judges should interact with the voters at the scanner.

Mr. Harvey stated that staff would be working on revamping and revising training across all election judge roles in training for the 2018 Gubernatorial Election.

Mr. Woodcock was concerned about an instance where a voter had inserted their ballot in the scanner and exited the polling place before they, or the unit judge noticed that the scanner had rejected the ballot and was offering the option to return or cast the ballot, requiring the unit judge to cast the ballot despite the error. Mr. Harvey stated there would be clearer training on how to engage voters, to keep them at the scanner until the ballot is successfully cast.

The Board and Mr. Harvey engaged in a discussion about how best to teach judges to avoid seeing voted ballots as voters are casting them. Future training will emphasize the physical process of assisting the voters without seeing the ballot.

There was concern about some polling places having an insufficient number of privacy folders available during busy times, due to the number of voters waiting in the polling place. Mr. Harvey stated this was a staff issue during packing and in future, there will be a greater number of folders provided to each polling place.

The Board and staff discussed the language mandated by the state to increase awareness of the Ballot Marking Device. Consensus was that the brief statement delayed the check-in process because it caused voters to ask for further clarification about the exact meaning and purpose. Ms. Joyner expressed concern that the statement was too unclear and led to more confusion. Mr. Harvey speculated that the State Board wanted to increase use of the Ballot Marking Device in advance of the 2018 election cycle in order to see if the system could handle the increased usage, especially at Early Voting locations in 2018.

Ms. Joyner felt that the inconsistent language regarding the Ballot Marking Device between training, and election judge training manuals led to confusion among judges in the polling places. In training judges were told a minimum of 2 voters using the BMD were desired, while the training manual said that 30 was the required number.

Ms. Joyner asked how SBE handles feedback regarding issues and concerns from LBE. Mr. Harvey said there is a post-election Directors/Deputy Directors meeting where staff can provide feedback. He also said the Board could send a letter to SBE directly with their concerns.

Ms. Joyner said many of the polling place signs were too small, unreadable, or had inconsistent language. She felt the signs should be larger, and consistent with other documentation, as well as judge training. Of particular note was the inconsistency between the provisional ballot application, provisional judge training, and signage in the polling place. Some materials say voters who are required to present ID, must do so no later than the day before the provisional canvass, while other materials say ID may be presented by 10am on the day of the provisional canvass.

Ms. Joyner asked what in the election judge training manuals can be changed by LBE. Mr. Harvey said SBE provides the template and much of the content, but identifies areas where the LBE can change, or insert language reflecting local procedural differences.

Ms. Joyner asked if we could add tabs or color-coding to make it easier for judges to locate the information they need from the manual at the polling place on Election Day. Ms. Roebuck pointed out that Washington County issues 3 ring binders for judge's manuals. Mr. Harvey said any cosmetic changes are easily done, but would increase the printing expenses considerably. Ms. Green said many judges don't prepare, read, or even bring their judge's manual to Early Voting and/or Election Day and that there's only so much we can do.

Ms. Joyner asked if there was anything we can do to make sure the judges are better prepared. Mr. Harvey said we stress to the judges to bring their materials with them to Early Voting and/or Election Day, but that many judges leave the materials at home, or fail to take them with them when they leave training.

Mr. Hill asked if judges prepare for their work at Early Voting and/or Election Day. Mr. Harvey said good judges take the time to prepare, reading over the training materials prior to work, but that some judges won't prepare.

Ms. Joyner asked how we recruit judges and how we handle situations where judges don't meet expectations. Mr. Harvey and Ms. Schultz said they will review chief judges' notes, and other information to determine who to re-hire for the next election cycle.

Mr. Harvey stated it is a nationwide problem to find quality election judges who are willing to work for low pay. The Board and staff discussed the challenges to recruit qualified, dedicated people to serve.

Ms. Joyner asked if the political parties would be helpful in recruitment of judges. Mr. Harvey said that locally, neither major party actively recruit judges, and that they are focused on recruiting volunteers to assist their campaigns. He said we recruit county employees, teachers and students. Ms. Schultz said the most effective way to get better quality people to serve would be to offer more money, but that the budget is controlled by the County Executive and the County Council, and the election judges got a pay increase for the 2016 elections.

Ms. Joyner expressed concern about an apparent lack of diversity in the polling places on Election Day and asked how to expand the diversity of our judges. Mr. Harvey said that typically polling places in the City of Frederick tend to be more diverse, because there is a higher minority concentration in the City. He also mentioned that rural polling places also reflect the populations in the areas they serve.

Mr. Jeffers observed that many polling places had trouble keeping the voting booth pens from being taken by voters. Mr. Harvey said the staff would discuss ways to tether the pens, or otherwise discourage voters from taking the pens.

Mr. Jeffers pointed out there were several preventable errors made by provisional judges that resulted in ballots being rejected. Mr. Harvey said training was going to be revamped to be more hands-on so judges would have the opportunity to practice various scenarios in hope that this practice will help reduce the number of errors.

Mr. Jeffers noted that using tamper tape to secure ballot bin lids doesn't seem to work very well because the tape doesn't stick well to the textured surface of the lids. Mr. Harvey said staff would explore other methods to secure ballot bin lids, possibly using seals.

Mr. Jeffers noticed that several chief judges returned in separate vehicles on Election Night. Mr. Harvey said staff will reinforce the requirement that judges return together in a single vehicle and that using separate vehicles was not acceptable.

Mr. Jeffers reported that a few voters mentioned that they had asked for an absentee ballot several years ago, and haven't since, but they are still showing up in the electronic pollbook as having an absentee ballot issued. Mr. Harvey said that this shouldn't be happening because the absentee status is cleared from the voter records after each election, but he would bring it up to the State Board.

Mr. Jeffers reported that some polling places mentioned shortages of supplies, and that we need to make sure we have sent out enough supplies. Mr. Harvey acknowledged that this was an error in packing, and that going forward we'll issue more supplies, including extra paper for printers, tamper tape, seals, and other materials.

Mr. Jeffers enquired if we had sufficient EFS staff on Election Day. Mr. Harvey said he would address this issue with SBE, and possibly consider hiring our own EFS techs directly at the local level.

Mr. Jeffers said the polling place at Prospect UMC lacks sufficient shelter for more than a few people to wait in line before they are outside and unsheltered. Mr. Harvey said staff would investigate possibly moving the polling place to a more suitable facility if one can be found.

Mr. Hill noted that rejection reason codes are inconsistent between documentation, instructions, and provisional applications.

Mr. Woodcock mentioned that election judges found the orange provisional sleeves confusing and that they were uncertain of what to do with same.

Mr. Hill asked if there were any plans to replace the aging electronic pollbooks, noting they are over a decade old and increasingly problematic in the field. Mr. Harvey said he was hopeful to get a replacement system, but that ultimately, the decision lies with the Department of Budget Management and the State Board of Elections.

Ms. Green expressed concern about the interactions of election judges at EV1, noting that there were disagreements about how to perform some aspects of the roles within the location. Mr. Harvey said staff was considering having two sets of judges to work each early voting site on alternate days, to simplify scheduling and provide consistency.

Ms. Joyner inquired about the League of Women Voters performing polling place evaluations and if the Board would receive a report. Mr. Harvey said the League evaluators return the evaluation forms and a meeting will be scheduled in early 2017 to review the forms and concerns.

Ms. Joyner relayed concerns from the Democratic Central Committee regarding the difficulties judges had providing DCC poll watchers with party breakdowns of voter turnout. Mr. Harvey said that chief judges would be trained to provide this information when requested.

Ms. Green reminded the Board that concerns from voters and others should be directed to the Staff and/or Director/Deputy Director, and should not be handled by members of the Board.

Mr. Harvey commented on the hard work staff provided to prepare, execute, and close out the election.

The Board discussed their appreciation of the staff and planned a post-election thank you luncheon for staff following the January 11, 2017 Board meeting.

POST ELECTION MAINTENANCE:

Mr. Harvey reported that post-election work updating voter registration rolls has begun and that voters flagged inactive for the past two election cycles will be dropped from the rolls by January 2017. Post-election maintenance of the voting system will begin once the PEM documentation and checklists are provided by SBE.

The Board discussed the registration process for voters with and without sufficient ID.

FY18 BUDGET:

Mr. Harvey reports the FY18 budget is unchanged from FY17. Appeals are due in January 2017.

Mr. Hill asked if the Middletown EVC would be retained for the 2018 cycle. Mr. Harvey said that was an issue the Board would have to discuss.

DEMOCRATIC CANDIDATE WORKSHOP:

Mr. Harvey will be attending the DCC Candidate Workshop to educate candidates and potential candidates on how to file for office. Filing is open beginning February 2017, but could change if the General Assembly moves the Primary Election date for 2018.

OTHER NEW BUSINESS:

Ms. Green requested Board Members receive an additional \$100 stipend for the second day of the Absentee 1 Canvass on November 11. Mr. Harvey agreed, and Mr. Woodcock moved that the Board accept the request. Ms. Joyner seconded the motion and it passed unanimously.

SCHEDULE OF NEXT MEETING:

The Board scheduled its next meeting for 10:00 AM on Wednesday January 11, 2017 in Room 108 of the Bourne Building at 355 Montevue Lane.

ADJOURNMENT AND EXECUTIVE SESSION:

At 2:35 PM, Mr. Harvey requested that the Board meet in Executive Session in room 108 of the Bourne Building at 355 Montevue Lane. This action is in accordance with the authority granted under the Annotated Code of Maryland, State Government Article, Section 10-508 (a)(7) to consult with counsel to obtain legal advice on a legal matter. Mr. Woodcock moved to adjourn the meeting and proceed to Executive Session. Mr. Hill seconded the motion and it was unanimously approved.

Meeting adjourned at 3:25 PM.

Respectfully submitted,

Marc R. Welch
Election Administrative Assistant